

SPARK Wins Legal Case Against Central Planning Board!

SPARK (Save the Park At Riverbank), the Ironbound citizens group which saved Riverbank Park from becoming a baseball stadium, won a legal case against the Newark Central Planning Board in a decision read into the record by Superior Court Judge Stein on Feb. 15, 2000. The case involved an application by Sumo Enterprises for a 52-unit apartment building, with "variances" for height, parking, and rear and side yards.

The application was initially approved by the Central Planning Board over objections of Ironbound residents, on Aug. and Sept. and went to court. Judge Weiss overturned the Planning Board's decision.

However, the developer Sumo Enterprises brought essentially the same application back to the Central Planning Board in June 1999. Ironbound residents objected but the Planning Board proceeded to hear the case again, and approved the application a second time. So Ironbound residents went to court a second time.

"The law says you cannot bring the same application back again before the Central Planning Board," said Ira Karasick, the lawyer who represented the Ironbound citizens in the case. "When a Planning Board does that it is a waste of taxpayer time, energy and money." The McWhorter Plaza case involved four nights of testimony, between the two applications.

Judge Stein called the Planning Board's proceeding in hearing the application a second time "arbitrary and capricious," and said that they undermine the doctrine of finality which is associated with legal decisions.

"This case shows that the Central Planning Board must operate within the law, not outside of it, in order for citizens to have any respect for its decisions," said Manuel Lavin. "Normal citizens have to follow the laws. So should developers, and the Central Planning Board. The Planning Board did what it wanted to do, not what was legal. If it was not so expensive for regular citizens to go to court, there would be more cases like this."

"What is certainly unfortunate is that it seems in order for residents to be listened to at the Planning Board, an outside party like the court must step in."